

United States Court of Appeals
Fifth Circuit

FILED

UNITED STATES COURT OF APPEALS November 19, 2008

FOR THE FIFTH CIRCUIT

Charles R. Fulbruge III
Clerk

No. 07-20618

D.C. Docket No. 4:07-CV-2074

United States Courts
Southern District of Texas
FILED

DEC 16 2008

MICHELE POCHE

Michael N. Milby, Clerk

Plaintiff - Appellee

v.

TEXAS AIR CORPS INC doing business as, CERT Emergency
Services

Defendant - Appellant

Appeal from the United States District Court for the
Southern District of Texas, Houston.

Before KING, WIENER, and ELROD, Circuit Judges.

J U D G M E N T

This cause was considered on the record on appeal and was
argued by counsel.

It is ordered and adjudged that the judgment of the District
Court is reversed, and the cause is remanded to the District
Court for further proceedings in accordance with the opinion of
this Court.

IT IS FURTHER ORDERED that plaintiff-appellee pay to
defendant-appellant the costs on appeal to be taxed by the Clerk
of this Court.

ISSUED AS MANDATE: DEC 11 2008

A True Copy
Attest

Clerk, U.S. Court of Appeals, Fifth Circuit

By: 

Deputy

New Orleans, Louisiana

DEC 11 2008